

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CHARLES A. PHILLIPS,

Plaintiff,

v.

Case Number 07-10734-BC
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AND AFFIRMING DEFENDANT'S DETERMINATION**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Virginia Morgan on October 24, 2008. The magistrate judge recommended that the Court grant Defendant's motion for summary judgment and affirm the administrative law judge's decision. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 24] is **ADOPTED**. Defendant's motion for summary judgment [Dkt. # 22] is **GRANTED**.

It is further **ORDERED** that Defendant's determination is **AFFIRMED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: November 10, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 10, 2008

s/Tracy A. Jacobs
TRACY A. JACOBS